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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:12-CR-004-APG-(GWF)
v.	)	
	)	
FREDRICK THOMAS,	)	
	)	
Defendant.	)	

**UNOPPOSED MOTION FOR AN EXTENSION OF TIME FOR THE UNITED STATES TO  
 REPLY TO THE DEFENDANT'S OPPOSITION (ECF NO. 772) TO THE MOTION FOR  
 THE DISTRICT COURT TO ENTER A PRELIMINARY ORDER OF FORFEITURE AS TO  
 DEFENDANT FREDRICK THOMAS (ECF NO. 758), TO SCHEDULE A FORFEITURE  
 HEARING, TO CONTINUE THE SENTENCING, AND ORDER  
 (FIRST EXTENSION OF TIME)**

The United States of America ("United States"), by and through Daniel G. Bogden, United States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully moves this Court to (1) extend the time for the United States to file its Reply until August 27, 2014, which is currently due on August 14, 2014; (2) schedule a forfeiture hearing any time during the month of September, except the week of September 22 through September 26,

1 2014, as the undersigned will be on a work assignment out of state during that time period; and (3)  
2 continue the sentencing to the end of October 2014. The sentencing hearing is currently scheduled  
3 for August 21, 2014.

4 The grounds are as follows. Following the defendant's plea of guilty (ECF No. 701) to  
5 Counts One and Two of the Criminal Indictment (ECF No. 1), the United States filed its motion on  
6 July 10, 2014, requesting that this Court enter a preliminary order of forfeiture seeking a money  
7 judgment against the defendant of \$50,893,166.35 (ECF No. 758). On August 8, 2014, which was  
8 15 days past the deadline (LCR 12-1), the defendant filed his opposition to the entry of the  
9 preliminary order of forfeiture and a motion for a forfeiture hearing (ECF No. 772). The defendant  
10 made arguments and requested a hearing to determine the forfeiture amount.

11 The undersigned will be out of state during part of the time for the Reply to be drafted and  
12 filed. The United States requests an extension of time for the United States to prepare and file its  
13 Reply to and including August 27, 2014, pursuant to Fed. R. Crim. P. 45(b)(1) and LCR 45-1,  
14 because both parties agreed to the extension.

15 The United States does not object to the defendant's request for a forfeiture hearing and  
16 requests this Court to schedule the hearing. "If the forfeiture is contested, on either party's request  
17 the court must conduct a hearing after the verdict or finding of guilty." Fed. R. Crim. P.  
18 32.2(b)(1)(B). The Reply will explain why the United States is not obligated to produce witnesses  
19 and evidence as Fredrick Thomas suggests in his Opposition. The United States requests the hearing  
20 be scheduled any time during the month of September, except the week of September 22 through  
21 September 26, 2014, as the undersigned will be on a work assignment out of state during that time  
22 period.

23 On August 11, 2014, Defendant's counsel, Bret O. Whipple, requested an extension of time  
24 for sentencing. The sentencing hearing is currently scheduled for August 21, 2014. The United  
25 States agrees to continue the sentencing to a later date. "Unless doing so is impractical, the court  
26 must enter the preliminary order sufficiently in advance of sentencing to allow the parties to suggest

1 revisions or modifications before the order becomes final as to the defendant under Rule 32.2(b)(4).”  
2 Fed. R. Crim. P. 32.2(b)(2)(B). The United States requests the sentencing be continued to the end of  
3 October 2014 “to allow the parties to suggest revisions or modifications before the order becomes  
4 final as to the defendant.” *Id.*

5 Defendant’s counsel, Bret O. Whipple, agreed to the extension of time for the Reply to and  
6 including August 27, 2014, to the forfeiture hearing in September other than the week of September  
7 22 through September 26, 2014, to continue the sentencing to the end of October 2014, and to the  
8 filing of this unopposed motion.

9 This motion is not submitted solely for the purpose to delay or for any other improper  
10 purpose.

11 This Court should grant the unopposed motion for an extension of time for the United States  
12 to file its Reply to and including August 27, 2014, the forfeiture hearing in September other than the

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1 week of September 22 through September 26, 2014, and to continue the sentencing to the end of  
2 October 2014.

3 DATED this 12th day of August, 2014.

4 DANIEL G. BOGDEN  
5 United States Attorney

6 /s/ Daniel D. Hollingsworth  
7 DANIEL D. HOLLINGSWORTH  
8 Assistant United States Attorney  
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10 IT IS SO ORDERED:  
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12 UNITED STATES DISTRICT COURT  
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14 DATED: \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

It is hereby certified that service of the foregoing UNOPPOSED MOTION FOR AN EXTENSION OF TIME FOR THE UNITED STATES TO REPLY TO THE DEFENDANT'S OPPOSITION (ECF NO. 772) TO THE MOTION FOR THE DISTRICT COURT TO ENTER A PRELIMINARY ORDER OF FORFEITURE AS TO DEFENDANT FREDRICK THOMAS (ECF NO. 758), TO SCHEDULE A FORFEITURE HEARING, TO CONTINUE THE SENTENCING, AND ORDER (FIRST EXTENSION OF TIMES) was made by the below identified method of service on this 12th day of August, 2014:

CM/ECF:

Bret O. Whipple  
Law Office of Brett Whipple  
1100 S. 10th Street  
Las Vegas, NV 89104  
Email: admin@justice-law-center.com  
*Counsel for Fredrick Thomas*

/s/ Michelle C. Lewis  
Michelle C. Lewis  
Paralegal Specialist